



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100

Boston, MA 02109-3912

**By Regular Mail & Email**

July 16, 2018

Linda M. Baldwin, General Counsel  
Department of State  
State of New York  
One Commerce Plaza  
99 Washington Avenue  
Albany, NY 12231-0001

**Re: Freedom of Information Act Request No. EPA-R1-2017-010144;  
Fourth Interim Release**

Dear Ms. Baldwin:

This letter follows up on our telephone call on July 10, 2018, concerning your above-referenced request for records under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. As we discussed, the Region 1 office of the United States Environmental Protection Agency (Region 1 or the Region) has been continuing its efforts to complete its response to your FOIA request by July 16, 2018.<sup>1</sup>

As we also discussed, however, Region 1 has been unable to complete its response by this date and will need additional time to do so. Although we have been working very hard on this response, the very large volume of emails (and attachments) to be evaluated has ultimately made it infeasible for us to complete the response by July 16, 2018. Based on the still significant volume of emails and attachments requiring evaluation (approximately 2,600), the Region is setting a new completion date of no later than September 30, 2018. If we can complete the response before that date, then we will do so.

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<sup>1</sup> As explained in prior correspondence, and in accordance with EPA regulations, the two FOIA request letters you sent on August 2, 2017, have been aggregated into one request with the reference number indicated above.

Although unable to complete our response to your FOIA request at present, Region 1 is making its fourth interim release of records to you in response to your FOIA request. Specifically, EPA will now electronically release approximately 377 additional records to you through EPA's FOIA Online system. The Region will notify you when the records are accessible to you in the FOIA Online system.

Finally, during our phone call, we also discussed the matter of your cost assurance ceiling for Region 1's response to your FOIA request. You previously increased your cost assurance ceiling to eight-thousand dollars (\$8,000.00) (see my letter to you dated April 30, 2018). As I told you over the phone, we estimate that our current response costs are approach the eight-thousand-dollar level. While we will provide an invoice for response costs with our final response, we currently estimate the costs incurred to date to be around seven-thousand seven-hundred dollars (\$7,700.00). You indicated that you will seek your office's approval to provide additional cost assurance and will let us know when that is obtained. On our end, Region 1 will continue to work up to the \$8,000.00 level and will continue beyond that once we have received the additional cost assurance. See 40 C.F.R. § 2.102(d).

If dissatisfied with Region 1's approach to responding to your FOIA request thus far, you may seek dispute resolution services from EPA's FOIA Public Liaison at [hq.foia@epa.gov](mailto:hq.foia@epa.gov) or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD 20740-6001; email, [ogis@nara.gov](mailto:ogis@nara.gov); telephone, (301) 837-1996 or (877) 684-6448; or fax, (301) 837-0348.

Thank you for your cooperation in relation to this matter. If you have any questions regarding the above, please call me at (617) 918-1077.

Sincerely,



Mark A. Stein  
Senior Assistant Regional Counsel

cc (by email):

Cristeen Schena, EPA Region 1 FOI Officer  
Mel Cote, EPA Region 1, OEP  
Jean Brochi, EPA Region 1, OEP  
Cayleigh Eckhardt, EPA Region 1, ORC